

**Preparatory Committee for the 1995 Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.1995/PC.III/12

9 September 1994

ORIGINAL: ENGLISH

Third session
Geneva, 12-16 September 1994

Document submitted by Colombia, Egypt, Indonesia
Iran (Islamic Republic of), Mexico, Myanmar and Nigeria

The Preparatory Committee of the Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons should address the substantive items of the 1995 Conference during its third and fourth sessions. As a contribution to that examination, the following suggestions are submitted.

The NPT Review and Extension Conference of 1995 and its preparatory process offer an invaluable opportunity for the Parties to the Treaty to assess its functioning and to agree on a common strategy that will ensure its continuation and full compliance with its provisions.

The success of the 1995 Conference cannot be measured by the automaticity with which it is extended, but rather by the seriousness with which NPT Parties evaluate and resolve the present challenges in the field of nuclear non-proliferation and disarmament.

NPT Parties should identify specific measures aimed at strengthening the present regime and its full and comprehensive implementation on the non-proliferation of nuclear weapons. These include, among others, 1) a comprehensive nuclear test ban, 2) a prohibition of the production of fissile material for weapons purposes, including stockpiles, and the phasing out of existing stockpiles, 3) full security assurances to non-nuclear-weapon States, 4) ensuring access to nuclear technology for peaceful purposes for all the States Parties without exception, and 5) ensuring the universality of the Treaty.

The nuclear-weapon States should present, collectively or individually, their ideas regarding nuclear disarmament steps. In this regard, the point of departure should be a reaffirmation of their commitment to the elimination of nuclear weapons within a time-bound framework and a target date for their total elimination. It would also be important that 1) the Russian Federation and the United States indicate the bilateral measures they will take in the future in order to reduce their nuclear arsenals beyond the levels envisaged in the START I and II agreements, and 2) the steps that China, France and the United Kingdom would be willing to take in light of the reductions referred to above.

**Preparatory Committee for the 1995 Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.1995/PC.III/13

14 September 1994

ORIGINAL: ENGLISH

Third session
Geneva, 12-16 September 1994

LETTER DATED 14 SEPTEMBER 1994 FROM THE HEAD OF THE
DELEGATION OF INDONESIA ADDRESSED TO THE CHAIRMAN OF
THE PREPARATORY COMMITTEE FOR THE 1995 CONFERENCE OF
THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF
NUCLEAR WEAPONS, TRANSMITTING A DOCUMENT OF THE GROUP
OF NON-ALIGNED AND OTHER STATES ON SUBSTANTIVE ISSUES

On behalf of the Group of Non-Aligned and Other States, I
have the honour to submit to you a document, covering various
aspects which are of paramount importance to the present as well
as to the next Preparatory Committee meeting and to the 1995 NPT
Review and Extension Conference.

It would be highly appreciated if you could take the
necessary steps to include it as an official document of the
Preparatory Committee meeting and at the same time to make it
available to all NPT States Parties.

(signed) Agus Tarmidzi
Ambassador/Head of Indonesian Delegation

ANNEX

DOCUMENT ON SUBSTANTIVE ISSUES SUBMITTED BY INDONESIA ON BEHALF OF THE GROUP OF NON-ALIGNED AND OTHER STATES

1. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was conceived as an instrument to prevent the proliferation of nuclear weapons. As part of this endeavor, States Parties which are Nuclear-Weapon States undertook "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control" and, at the same time, to promote the peaceful uses of nuclear energy.

2. During the negotiations of the NPT, the Non-Nuclear-Weapon States (NNWSs), particularly the developing countries, sought a fair balance in the Treaty between the mutual obligations and responsibilities of the NWSs and NNWSs which could successfully serve the interests of all States Parties. This position was endorsed by resolution 2028 (XX) of the UN General Assembly. However, this was not fully realized at the time. Today, more than two decades later, the imbalances between the obligations and responsibilities have grown. There is a stalemate in negotiations aimed at redressing those imbalances, including negotiations in the NPT Review Conferences as well as the Conference on Disarmament.

3. The Non-Aligned Countries value the Non-Proliferation Treaty as a key instrument to channel international efforts to halt vertical and horizontal proliferation of nuclear weapons. Notwithstanding the important role of the Treaty in the maintenance of international security, it should be recognized that the Treaty has fundamental shortcomings that have become the bone of contention between NWSs and NNWSs Parties to the NPT ever since it came into being, thus eroding the perceived value of the Treaty.

4. The preparations for the NPT Conference in 1995 provide an exceptional opportunity towards the realization of the objectives enshrined in the Treaty. Substantive progress on the following areas will contribute to the successful outcome of the review and extension Conference of the NPT:

Nuclear Disarmament

5. The cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament as a whole, continue to be the main objectives of the Treaty. The NWSs should reaffirm their commitment to the complete elimination of nuclear weapons.

6. A time-bound framework and a target date for the total elimination and the efforts by the NWSs to carry forward the process of de-emphasizing the role of nuclear weapons will create a strong political thrust towards international efforts to prevent proliferation of nuclear weapons. A statement by the Russian Federation and the United States indicating the bilateral measures they will take in the future in order to reduce their nuclear arsenals beyond the levels envisaged in the START I and II agreements, would also be a welcome initiative, together with an indication of the steps that China, France and the United Kingdom would be willing to take in light of the reductions referred to above.

Nuclear-Weapons-Free Zones

7. NWSs should abide and adhere to those international instruments that have established nuclear-weapons-free zones, and to support the initiatives taken by a State or States Parties with a view to establishing nuclear-weapon-free zones, freely arrived at among the States of the region concerned, particularly in the regions of the Middle-East and Africa.

8. Furthermore, deployment of nuclear weapons by NWSs on foreign territories, particularly in NNWS territories, should be prohibited as it negates the objectives of a nuclear-weapons-free zones. All States that have deployed nuclear weapons outside their boundaries should withdraw all those weapons back to their own territories.

Comprehensive Nuclear Test Ban

9. The conclusion of a Comprehensive Nuclear Test Ban Treaty (CTBT) remains one of the highest priority objectives of the international community and the fundamental pillar of an effective and comprehensive non-proliferation regime. All efforts towards the achievement of this objective, including the PTBT Amendment Conference, should be pursued. While the decision by the Conference on Disarmament to establish an ad hoc Committee with a negotiating mandate is welcome, a target date must be set to conclude the negotiations on a CTBT prior to the 1995 NPT Review and Extension Conference. The conclusion of a CTBT would decisively benefit the outcome of the said Conference. Pending the conclusion of such a Treaty, the nuclear-weapon States should suspend all nuclear testing.

Security Assurances

10. Pending the total and complete elimination of nuclear weapons, unconditional security assurances to the NNWSs has been regarded as one of the major concerns. In the context of an acceptable balance of mutual responsibilities and obligations, it is the primary right

of States Parties to the NPT to be assured of non use and threat of use of nuclear weapons. Nuclear Weapons States Parties should agree to a legally binding instrument on this issue before the 1995 Conference. The CD should intensify negotiations with a view to concluding an international convention to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons.

Fissile Material

11. A Treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices would be a significant contribution to nuclear disarmament and nuclear non-proliferation provided that such a treaty is non-discriminatory, effectively verifiable and universally applicable, thus constituting a part of the comprehensive efforts to ban nuclear weapons and lead to their destruction.

Peaceful uses of Nuclear Energy

12. There continues to exist unjustified restrictions and constraints imposed on developing NNWSs regarding full access to nuclear technology for peaceful purposes. Unilaterally enforced restrictive measures, beyond safeguards required under the Treaty, must not be used to prevent peaceful development, especially in the nuclear area, and should be removed.

13. The inalienable right of all States Parties to develop the peaceful use of nuclear energy for economic and social development must be reaffirmed by all nuclear and advanced non-nuclear States Parties. It is also essential that free and unimpeded access to technology be guaranteed, without exception, for all States Parties to the Treaty who have concluded relevant safeguards agreements with the IAEA.

Preparatory Committee for the 1995 Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/PC.III/14

15 September 1994

ORIGINAL: ENGLISH

Third session

Geneva, 12-16 September 1994

LETTER DATED 15 SEPTEMBER 1994 FROM THE HEAD OF THE
GERMAN DELEGATION, PRESIDENCY OF THE EUROPEAN UNION,
ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE
FOR THE 1995 CONFERENCE OF THE PARTIES TO THE TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS,
TRANSMITTING A DOCUMENT OF THE EUROPEAN UNION ON LEGAL
ASPECTS IN CONNECTION WITH THE EXTENSION OF THE NPT

On behalf of the European Union I have the honour to submit
to you a document covering legal aspects in connection with the
extension of the NPT.

I would appreciate if you could include it as an official
document of the Preparatory Committee meeting, and at the same
time make it available to all NPT States Parties.

(Signed) Wolfgang Hoffmann
Ambassador
Head of the German Delegation
Presidency of the European Union

NPT EXTENSION OPTIONS AND MODALITIES

1. The EU has produced this paper on the question of NPT extension options and modalities in order to facilitate further discussion of these matters among all Parties.

EXTENSION OPTIONS**The Basic Extension Options**

2. Article X.2 of the Treaty (copy at A for ease of reference) means that at the Extension Conference in 1995 the parties can only choose between three basic options:

- indefinite extension
- extension for an additional fixed period
- extension for additional fixed periods.

3. The option of extension for additional fixed periods only makes sense if it is accompanied by some decision-making mechanism enabling the parties to decide at the end of each fixed period whether to move on to the next one. Without such a mechanism extension for an unlimited number of additional fixed periods would equate to indefinite extension. Similarly, without such a mechanism extension for a limited number of additional fixed periods would equate to extension for one additional fixed period.

Implications of Indefinite Extension

4. If the parties choose indefinite extension, no further decision on extension need ever be taken by them. Each of them would, however, still retain the right of individual withdrawal from the Treaty in accordance with Article X.1 of

the Treaty (copy at B for ease of reference). In addition, the fact that the Extension Conference had decided to extend the Treaty indefinitely would not mean that it could never be terminated. This could still be done in accordance with the customary international law which is reflected in Article 54 of the Vienna Convention on the Law of Treaties, VCLT (copy at C for ease of reference, and see paragraph 9 below).

Implications of Extension for an Additional Fixed Period

5. If the parties choose extension for a single fixed period, they can set the fixed period at any length they wish. Whatever length they choose, however, the Treaty will automatically terminate at the end of the chosen period. Article X.2 provides separately for the possibility of a series of additional fixed periods. Therefore if the parties opt in 1995 for extension by a single fixed period they could not still decide on a further extension at a subsequent date by the majority specified in Article X.2. That Article only gives authority for the holding of one Extension Conference with decisions taken by the majority of states parties, and a Treaty amendment would be required to enable a second one to take place. The terms of Article VIII.1 and 2 make any amendment to the NPT very difficult to achieve. In the absence of such an amendment a decision to extend the Treaty further could only be taken by all the States Parties.

Implications of Extension for Additional Fixed Periods

6. If the parties choose extension for additional fixed periods, they will need to decide on the length of these periods. Article X.2 offers no guidance on their possible length. It must therefore be assumed that they could be of any length, and that they could be of the same or varying length. As noted in paragraph 3 above, the parties would also need to agree on the mechanism by which they would

decide at the end of each fixed period whether to proceed to the next one. One possibility, which would be consistent with the need for a decision-making mechanism, yet would avoid the danger of unauthorised treaty amendment, might be a mechanism that would provide for automatic movement from one extension period to the next unless a specified number of countries objected in some prescribed manner.

7. Since the establishment of a mechanism for moving from one period to the next is not explicitly stated in the Treaty, and since such a mechanism would be exceptional (binding parties even if they vote against) any such mechanism should be confined to the minimum necessary to make sense of the Treaty provision, ie a mechanism whereby the parties vote to continue (or not). Anything which goes beyond necessary implication is an amendment to the Treaty requiring the exercise of the Article VIII mechanism.

An Additional Extension Conference?

8. The Treaty mentions only one extension conference. The idea that extension for a fixed period could also include a further conference option to consider extending the Treaty further is problematic since this would not then be an extension for "an additional fixed period". It would really be more than one period; or if it is one period, the period is not fixed. But in any event, for the reasons given in paragraph 7, such a conference should not be implied without clear wording. This is because such a conference is exceptional as it has the power to bind all parties by a majority vote. In the absence of clear wording, only one such conference can be held, and to impose another is really a Treaty amendment.

Immediate Termination

9. Article 42.2 of the VCLT (copy at D) provides that:

"termination of a treaty ... may take place only as a result of the application of the provisions of the treaty or of the present Convention". There is no provision in the NPT dealing with termination (as opposed to Article X.2 which deals with extension). The terms of Article 54 of the VCLT mean that immediate termination could only be achieved if all the parties consented to it.

EXTENSION MODALITIES

The Extension Decision

10. Article X.2 says quite clearly that the decision on extension must be taken "by a majority of parties to the Treaty" (is not just by a majority of those attending the Extension Conference). There is therefore no legal requirement for a consensus decision on extension. Equally, there is no bar to a consensus decision on extension providing that at least a majority of states parties participate in the consensus.

11. Article X.2 says nothing about the precise procedure for taking the extension decision, about how it should be recorded, or about what should be done if there is no majority at the Conference for any decision on extension. It will therefore be necessary for the Extension Conference to have Rules of Procedure which clearly explain how these matters are to be handled within the context of Article X.2's stipulation that any decision on extension must be supported by a majority of states parties.

Rules of Procedure

12. The Rules of Procedure used at NPT Review Conferences in the past are inadequate for these purposes in a number of ways:

- it would be possible under these Rules for a decision on

extension by consensus or voting to be taken without the support of a majority of parties;

- there is no provision in these Rules that would enable one to check that a consensus decision on extension included a majority of parties;

- there is no provision in the Rules to explain what should be done if the Extension Conference is incapable of reaching a decision on extension in accordance with Article X.2.

Changes to the Rules of Procedure used at the NPT Review Conferences are under discussion at the Prepcoms with a view to making them suitable for the Extension Conference in 1995.

Recording the Extension Decision

13. The Extension Document should:

- be distinct from any Review Document;
- limit itself to a bald statement of the essential facts about which of the extension options set out in Article X.2 the Parties have chosen;
- record clearly which states participated in the consensus decision or how they voted, if a vote is taken (there will then be no room for doubt that a majority of states parties participated in the consensus decision, or voted for the decision, or about which states they were).

Immediate Entry into Force of the Extension Decision

14. Once an extension decision has been made in accordance with Article X.2, it immediately binds all the parties, even those which did not support it. It could not be legitimately argued that any extension decision must subsequently be approved or ratified by States Parties before it comes into

force for them. There is no such requirement in Article X.2, in contrast with the ratification requirements in Article VIII.2 for amendments to the Treaty.

15. Nor could any State Party which did not support the extension decision legitimately seek to exercise its individual right of withdrawal from the Treaty as a result of the decision. It cannot be argued that an extension decision taken in accordance with the Treaty is an "extraordinary event".

Continuation in Force of the Treaty if No Extension Decision is Reached

16. There can be no argument that the Treaty cannot last longer than 25 years in the absence of a decision, since Article X.2 provides for the decision to be made at a Conference twenty-five years after the Treaty's entry into force, and for the Conference to decide to continue the Treaty's duration. It is therefore also implicit that the Treaty must continue in force while the Conference is in session.

17. As detailed in paragraphs 2-8 above, Article X (2) of the Treaty envisages only three extension options. Until the extension conference has taken a decision in favour of one of these options the Parties will not have fulfilled their obligations under this part of the Treaty. Accordingly, the Conference must remain in existence until such a decision is taken. If taking a decision by the requisite majority proves difficult, the Conference could be adjourned to reconvene later, but it cannot be concluded.

18. There is an argument that the Treaty will be terminated if the Conference fails to reach a decision on extension. This argument is difficult to sustain, since it would in effect amount to a right of termination which is not provided for in the Treaty. It would be erroneous to try to equate the absence of an extension decision with a unanimous decision to terminate it under Article 54 of the VCLT (see para 9 above). But in any case the argument should be a hypothetical one for the reasons set out in the preceding paragraph.

ARTICLE X.2 OF THE NPT

Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

- ARTICLE X.1 OF THE NPT

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 54 OF THE VCLT

The termination of a treaty or the withdrawal of a party may take place:

- (a) in conformity with the provisions of the treaty; or
- (b) at any time by consent of all the parties after consultation with the other contracting States.

ARTICLE 42.2 OF THE VCLT

The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty.

**Preparatory Committee for the 1995 Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.1995/PC.III/15
21 September 1994

ORIGINAL: ENGLISH

Third session
Geneva, 12-16 September 1994

**PROGRESS REPORT OF THE PREPARATORY COMMITTEE FOR THE 1995
CONFERENCE OF THE PARTIES TO THE TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS**

INTRODUCTION

1. Pursuant to the decision of the Preparatory Committee at its first session, held at United Nations Headquarters in New York from 10 to 14 May 1993, the Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons held its third session at the Palais des Nations in Geneva from 12 to 16 September 1994.

2. The following 89 States Parties participated in the work of the Preparatory Committee at its third session:

Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Belize, Bolivia, Brunei Darussalam, Bulgaria, Cameroon, Canada, China, Colombia, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Holy See, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam and Zimbabwe.

3. In accordance with the decision of the Preparatory Committee at its second session, the following seven States not Parties to the Treaty attended the meetings of the Committee as observers: Algeria, Argentina, Brazil, Chile, Israel, Pakistan and Ukraine.

4. In accordance with the decision of the Preparatory Committee at its third session, the following intergovernmental organizations attended the meetings of the Committee as observer agencies: The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the League of Arab States.

5. In accordance with the decision of the Preparatory Committee at its second session, 52 non-governmental organizations attended the meetings of the Committee.

6. A list of all the delegations to the third session of the Preparatory Committee, including States Parties, Observers and Observer Agencies, is contained in Annex I to this report.

7. A list of documents submitted to the Preparatory Committee is attached as Annex II.

8. At its third session the Preparatory Committee held ten formal and a number of informal meetings.

9. Mr. Prvoslav Davinic, Director, Centre for Disarmament Affairs, represented the Secretary-General of the United Nations, and Mrs. Hannelore Hoppe, Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the Committee. Mr. Mohamed ElBaradei, Assistant Director General for External Relations, International Atomic Energy Agency (IAEA), Vienna, Ms. Jan Priest, Head, Safeguards and Non-Proliferation Policy Section, Division of External Relations, IAEA, Vienna, and Ms. Merle Opelz, Head, IAEA Office in Geneva, represented the Agency.

I. OPENING OF THE SESSION

10. The third session of the Preparatory Committee was opened by Ambassador André Erdös of Hungary, Chairman of its second session. Ambassador Erdös informed the Committee that his predecessor in the Chair, Mr. Jan Hoekema of the Netherlands, had been elected to his country's legislative assembly and had been succeeded by Ambassador Jaap Ramaker who would serve as Vice-Chairman of the Committee. He also noted that, as previously agreed by the Committee, Ambassador Isaac E. Ayewah, Deputy Permanent Representative of Nigeria to the United Nations, would be the Chairman of the third session. Ambassador Erdös then invited Ambassador Ayewah to assume the chairmanship of the third session.

II. DECISIONS ON ORGANIZATION AND PROCEDURES

11. At its first meeting, on 12 September 1994, the Preparatory Committee adopted the following programme of work:

1. Organization of the 1995 Conference
 - 1.1 Rules of procedure
 - 1.2 Background documentation
 - 1.3 Agenda
 - 1.4 Final document(s)
2. Other business

12. At the same meeting, the Preparatory Committee, with respect to its own organization and methods of work, decided:

- (a) Participation:
- (i) Intergovernmental organizations

Representatives of intergovernmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee.

13. The Committee requested its Chairman to continue consultations on the chairmanship of the fourth session of the Preparatory Committee and to inform on their outcome prior to the beginning of that session. The Committee was informed of the endorsement by the Group of Western European and Other States of the candidature of Ambassador Pasi Patokallio of Finland for chairmanship of the fourth session of the Preparatory Committee. The Group of Non-Aligned

and Other States expressed the view that a decision on the chairmanship of the fourth session of the Preparatory Committee be deferred.

III. ORGANIZATION OF THE 1995 CONFERENCE

14. The Preparatory Committee, in conformity with its task to prepare for the 1995 Conference, considered issues listed under item 1 of its programme of work. It took the following actions:

A. Rules of procedure

15. The Committee decided to establish an open-ended informal working group to continue work on the draft rules of procedure as contained in a paper submitted by the Chairman of the second session. The group held a number of meetings during which considerable progress was made. However, a few remaining issues require further consideration and consultation and therefore, the Committee took note of the paper and agreed to forward the draft rules of procedure as contained in document NPT/CONF.1995/PC.III/CRP.2 to the fourth session of the Preparatory Committee for finalization.

B. Background documentation

16. In response to the Committee's request made at its second session, a number of background papers were submitted for the third session by the Secretariats of the United Nations, the IAEA, OPANAL, and the South Pacific Forum.

17. Delegations expressed appreciation for the background papers presented to the session and made a number of comments. The Committee requested the respective Secretariats to amend those papers in the light of comments made in the course of the discussions, to update them to take account of current events in conformity with the general approach adopted at the second session and to submit them to the Conference.

18. Some delegations expressed the view that the paper on the activities of the IAEA relevant to Article IV did not adequately fulfil the requirement to prepare comprehensive background documentation on the implementation of Article IV. Consequently, they requested the Secretariat to produce a further paper on this Article and to present it to the fourth session of the Preparatory Committee. The same delegations proposed that an additional background paper be prepared by the United Nations Secretariat on the legal interpretation of Article X. 2. Other delegations disagreed with these proposals. The Committee therefore decided to remit them to its fourth session for further consideration.

C. Agenda

19. The Committee held an extensive exchange of views on the basis of a Chairman's suggested draft agenda of the 1995 Conference. Tentative agreement was achieved on the items to be included in the agenda. However, a group expressed the view that further consideration of the provisions contained under item 16 was needed. The Committee therefore agreed to forward the Chairman's draft agenda as an attachment to this report to the fourth session of the Preparatory Committee for finalization (Annex III).

D. Final document(s)

20. The Committee agreed to defer a decision on the question of the final document(s) of the Conference to its fourth session.

IV. OTHER BUSINESS

21. Under item 2 of its programme of work, the Preparatory Committee had an exchange of views on substantive issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons and its 1995 Conference.

22. The delegation of Poland, with full endorsement by the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons which belong to the Group of Eastern European States, announced the candidature of Ambassador Tadeusz Strulak for the chairmanship of the Drafting Committee of the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Annex I

LIST OF PARTICIPANTS*

I. STATES PARTIES

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Mr. Richard Starr Ambassador for Disarmament
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* Unless indicated otherwise, delegates are from the
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Ms. Ann Pollack	Deputy Director Energy and Nuclear Affairs Division (DFAIT)
Mr. Donald C. Sinclair	Counsellor Permanent Mission to the United Nations and the Conference on Disarmament

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Annex II

LIST OF DOCUMENTS

NPT/CONF.1995/PC.III/1	Programme of work
NPT/CONF.1995/PC.III/2	Developments since the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons towards the Realization of the Purposes of the Tenth Preambular Paragraph of the Treaty
NPT/CONF.1995/PC.III/3	Implementation of Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.1995/PC.III/4	Developments since the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons relating to Article VI of the Treaty
NPT/CONF.1995/PC.III/5	Implementation of Article VII of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.1995/PC.III/6	Developments with regard to Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons
NPT/CONF.1995/PC.III/7	Activities of the International Atomic Energy Agency relevant to Article III of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.1995/PC.III/8	Activities of the International Atomic Energy Agency relevant to Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.1995/PC.III/9	Activities of the International Atomic Energy Agency relevant to Article V of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.1995/PC.III/10	Memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean prepared for the Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.1995/PC.III/11	South Pacific Nuclear-Free-Zone Treaty
NPT/CONF.1995/PC.III/12	Document submitted by Colombia, Egypt, Indonesia, Iran (Islamic Republic of), Mexico, Myanmar and Nigeria
NPT/CONF.1995/PC.III/13	Letter dated 14 September 1994 from the Head of the Delegation of Indonesia addressed to the Chairman of the Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, transmitting a Document of the Group of Non-Aligned and Other States on Substantive Issues

NPT/CONF.1995/PC.III/14

Letter dated 15 September 1994 from the Head of the German Delegation, Presidency of the European Union, addressed to the Chairman of the Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, transmitting a Document of the European Union on Legal Aspects in connection with the Extension of the NPT

Annex IIIChairman's suggested draft agenda of the 1995 Conference
of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. Opening of the Conference by the Chairman of the fourth session of the Preparatory Committee
2. Election of the President of the Conference
3. Statement by the President of the Conference
4. Address by the Secretary-General of the United Nations
5. Address by the Director-General of the IAEA
6. Submission of the Final Report of the Preparatory Committee
7. Adoption of the Rules of Procedure
8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee
9. Election of Vice-Presidents
10. Credentials of representatives to the Conference
 - (a) Appointment of the Credentials Committee
 - (b) Report of the Credentials Committee
11. Confirmation of the nomination of the Secretary-General
12. Adoption of the Agenda
13. Programme of work
14. Adoption of arrangements for meeting the costs of the Conference
15. General debate
16. Review of the operation of the Treaty as provided for in its Article VIII, paragraph 3:
 - A. Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
 - (1) Articles I and II and preambular paragraphs 1-3
 - (2) Article VI and preambular paragraphs 8-12
 - (3) Article VII with specific reference to the main issues in A and B
 - B. Security assurances:
 - (1) Resolution 255 (1968) of the United Nations Security Council
 - (2) Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons

- C. Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon free zones:
 - (1) Article III and preambular paragraphs 4 and 5, especially in their relationship to Article IV and preambular paragraphs 6 and 7
 - (2) Articles I and II and preambular paragraphs 1-3 in their relationship to Articles III and IV
 - (3) Article VII
 - D. Implementation of the provisions of the Treaty relating to peaceful applications of nuclear energy:
 - (1) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to Article III (1), (2), (4) and preambular paragraphs 4 and 5 as well as to Articles I and II
 - (2) Article V
 - E. Other provisions of the Treaty
- 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at promoting wider acceptance of the Treaty
 - 18. Reports of the Main Committees
 - 19. Decision on the extension of the Treaty as provided for in Article X, paragraph 2
 - 20. Consideration and adoption of Final Document(s)
 - 21. Any other business